

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Freddie Robinson

DEFENDANTS

City of Philadelphia; Philadelphia Police Department; Police Detective Piers

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Villari, Lentz & Lynam, LLC
1600 Market Street, Suite 1800
Philadelphia, PA 19103

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. §1983

Brief description of cause:

Excessive Force; Due Process; Unreasonable Searches and Seizures

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

MAR 27 2015

DATE
03/27/2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2031 S. 6th Street, Philadelphia, PA 19148

Address of Defendant: 1515 Arch Street, 14th Floor, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia Police Department Headquarters, 750 Race Street, Philadelphia, PA 19106
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ IN ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Thomas A. Lynam, III

, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 03/27/2015

83817

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 03/27/2015

83817

Attorney-at-Law

Attorney I.D.#

MAR 27 2015

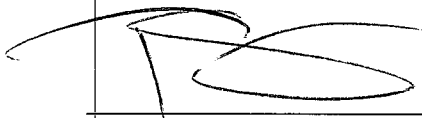
ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Thomas A. Lynam, III, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interests and costs;
- ☒ Relief other than monetary damages is sought.

Date: 03/27/2015



Attorney at Law


83817

Attorney I.D. #

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I certify that, to my knowledge, the within care is not related to any case now pending or within one year previously terminated action in this court except as noted above.

Date: 03/27/2015



Attorney at Law

83817

Attorney I.D. #

CIV. 609

RB**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA****CASE MANAGEMENT TRACK DESIGNATION FORM**

Freddie Robinson

v.

City of Philadelphia, et al.

:
:
:
:
:

CIVIL ACTION

15 1574

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

03/27/2015

Date

215-568-1990

Telephone

Thomas A. Lynam, III

Attorney-at-law

215-568-9920

FAX Number

Plaintiff

Attorney for

tlynam@vll-law.com

E-Mail Address

(Civ. 660) 10/02

MAR 27 2015

#400

RB

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREDDIE ROBINSON
2031 S. 6th Street
Philadelphia, PA 19148

Plaintiff,

vs

CITY OF PHILADELPHIA,
PHILADELPHIA POLICE DEPARTMENT
1515 Arch Street, 15th Floor
Philadelphia, PA 19102

and

POLICE DETECTIVE PIERS
Philadelphia Police Department Headquarters
750 Race Street
Philadelphia, PA 19106

Defendants.

CIVIL ACTION

NO.

15 1574

CIVIL ACTION COMPLAINT

Plaintiff, Freddie Robinson, by and through his undersigned counsel, Villari, Lentz & Lynam, LLC, says by way of Complaint against Defendants, as follows:

1. Plaintiff, Freddie Robinson, is an adult male and citizen of the Commonwealth of Pennsylvania, with an address at 2031 S. 6th Street, Philadelphia, Pennsylvania 19148.
2. Upon information and belief, Defendant, City of Philadelphia, Philadelphia Police Department (hereinafter referred to as the "Police Department"), is a municipality and/or jural entity organized and existing under the laws of the Commonwealth of Pennsylvania, with a business address at 1515 Arch Street, 15th Floor, Philadelphia, Pennsylvania 19102.

25 given
3/27/2015
RT

3. Upon information and belief, Defendant, Detective Piers (the full and exact name which cannot be ascertained for the reasons set forth below), is an adult male and citizen of the Commonwealth of Pennsylvania and a Philadelphia Detective with a business address of 750 Race Street, Philadelphia, Pennsylvania 19106.

4. As indicated by the facts alleged below, Plaintiff Robinson was not able to obtain the full name and get assurance that he knew the correct last name of Detective Piers, as Detective Piers' violent and unconstitutional conduct put Plaintiff Robinson in fear of future attacks and retaliation on not just Plaintiff Robinson, but on his family. Because of this, Plaintiff has been unable to identify the exact Detective Division where Defendant Detective Piers is located.

5. Upon information and belief, Defendant Detective's last name is Piers or a name quite similar in form and/or pronunciation; furthermore, Detective Piers is an African-American male, heavy set, approximately 5'11"-6' tall, and has, or at least had at the time of the incident in question, a large and unique bubble on the back of his head.

6. At all times relevant hereto, all Defendants, who are being sued in both their individual and official capacities, acted by and through their actual or apparent employees, servants and/or agents who were in the course and scope of their actual or apparent employment, service and/or agency with all other Defendants.

7. At all times relevant hereto, the Police Department was acting under color of state law had the responsibility for managing its detectives, officers, and employees, training, disciplining, and setting official policy for the Police Department, its employees, and Plaintiff,

Freddie Robinson's custodians and apprehenders.

8. At all times relevant hereto, all Defendants were acting under color of state law and had the responsibility of observing and protecting the constitutional rights of Plaintiff, Freddie Robinson.

9. On or about March 29, 2013, Plaintiff, Freddie Robinson's nephew, Derek Robinson, was shot five times at or around 7th and McKean Streets in Philadelphia.

10. The gunshot to the head took Plaintiff's nephew's life.

11. On or around April 1, at approximately 3 p.m., while mourning, distraught, and in grief, Plaintiff, Freddie Robinson ("Plaintiff Robinson"), along with the deceased Derek Robinson's brother, Leon Robinson and Leon's wife (collectively referred as "trio"), went to the Philadelphia Police Department Headquarters, known as the "Roundhouse," to pick up the deceased Derek Robinson's car keys.

12. The aforementioned trio walked into the Roundhouse, walked up to the desk/glass booth, presented identification, and told the officer behind the booth their stated purpose to pick up their dead kin's keys.

13. The Officer behind the desk responded that they need to talk to Detective Piers.

14. As the trio waited, Detective Piers arrived and shouted out, "Who's the uncle?" and Plaintiff Robinson responded, "Me."

15. Detective Piers responded, "OK. I'll see you, y'all can leave," referring that Plaintiff Robinson should stay and Leon Robinson and his wife should go.

16. Puzzled, Leon Robinson and his wife remained by the booth.

17. Detective Piers then began to shuttle Leon Robinson and his wife out.

18. Unfortunately, as he was scuttling them out the door, Freddie Robinson could not hear Detective Piers' violent language which was, "You don't want what I'm gonna give you if you come back to this building."

19. Next, Detective Piers approaches Plaintiff Robinson and repeatedly says, "Get on the fucking elevator before I throw you in here!"

20. Trying to be reasonable, Plaintiff Robinson answered, "I don't think you want to do that."

21. Well, Detective Piers did do that and grabbed Plaintiff Robinson and threw him in the elevator.

22. Knowing that it would not be wise to try to resist a belligerent, violent and crazy Police Detective, Plaintiff Robinson voluntarily spread his legs and put his arms against the elevator wall.

23. Then, without any provocation or warning, Detective Piers violently and cheaply rocketed his elbow into the side of Plaintiff Robinson's head.

24. The blow Detective Piers intentionally gave to Plaintiff Robinson was in the "Red Zone," an area of the body that prohibits such strikes to be used on civilians.

25. Then, in the presence of two other detectives, Detective Piers threw Plaintiff Robinson in an interrogation room with two others being detained.

26. Detective Piers then put on his gloves and violently patted down Plaintiff Robinson, getting in cheap shots in the process.

27. Plaintiff Robinson was not charged of any crime, yet was detained in the interrogation room for approximately sixteen hours, where he was not allowed to go to the bathroom—despite his pleas to go, and was not provided any food or drink.

28. Detective Piers just used the pat down as a means to hurt Plaintiff Robinson, because none of Plaintiff Robinson's possessions were taken.

29. Plaintiff Robinson, while in the room, trapped and imprisoned, called his daughter with his cell phone to try to get help.

30. This must have tipped off Detective Piers that the outside world may be trying to thwart his unconstitutional detainment of Plaintiff Robinson, thus, Detective Piers came in the interrogation room and took Plaintiff Robinson's phone.

31. Later, in a threatening tone, Detective Piers obtained Plaintiff Robinson's passcode for his phone from Mr. Robinson, from which, Detective Piers then invaded Plaintiff Robinson's privacy rights by searching his phone with no legitimate purpose.

32. It wasn't until 7:30 a.m. when Plaintiff Robinson was finally released and he had to sign papers to get his phone back.

33. One officer informed him that he was detained because he hit Detective Piers, yet, no charges were ever made against Plaintiff Robinson.

34. When Plaintiff Robinson was released, his attacker, Detective Piers, was long gone, as his shift ended earlier and he had no regard or compassion to release the grieving uncle, Plaintiff Robinson, who was unconstitutionally beaten, seized and imprisoned, among other things.

35. Leaving Plaintiff Robinson, a human being, in a cage unjustifiably for hours wasn't even an afterthought for Detective Piers.

36. As a result of Detective Piers' assault on Plaintiff Robinson, Plaintiff Robinson suffered a closed head injury, back pain, neck pain, and headaches.

37. To this day, Plaintiff suffers the effects of the Defendants' abhorrent behavior, both mentally and physically.

WHEREFORE, in consideration of the foregoing, Plaintiff, Freddie Robinson, demands judgment in his favor and against Defendants, jointly and severally, for an amount in excess of seventy-five thousand dollars (\$75,000.00), plus punitive damages, the statutory rate of interest, attorneys' fees, costs and related expenses, and such other just and equitable relief as this Honorable Court deems proper.

COUNT I
VIOLATION OF CIVIL RIGHTS
PLAINTIFF, FREDDIE ROBINSON V. ALL DEFENDANTS

38. Plaintiff repeats and realleges the preceding paragraphs as though fully set forth herein.

39. The conduct of Defendants as set forth above, acting under color of state law, was intended to harm Plaintiff, Freddie Robinson, and/or was recklessly and deliberately indifferent to the safety, bodily integrity, well-being, privacy and liberty of Plaintiff, and was committed in conscious disregard of the substantial and/or unjustifiable risk of causing harm to members of the public and to Plaintiff, and was so egregious as to shock the conscience.

40. The conduct of Defendants as set forth above violated Plaintiff's constitutional

rights to be free from unreasonable searches and seizures, right to be free from arrest without probable cause, right to be free from stops absent a reasonable suspicion that he has committed a crime, rights to bodily integrity, rights to care in custody, right to be free from excessive force, rights to be free from cruel and unusual punishment, rights to privacy, and to substantive and procedural due process, as guaranteed by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, and as remediable pursuant to 42 U.S.C. §1983.

41. Defendants' conduct of engaging in a cover up of their illegal detainment and illegal use of force as set forth above violated Plaintiff's constitutional right of access to courts provided by the privileges and immunities clauses of Article 4 and the Fourteenth Amendment of the Constitution, the right to petition for redress of grievances found in the First Amendment, and the Due Process Clause.

42. The actions of Defendants, as described above, were undertaken in bad faith and with a deliberate indifference to and callous disregard of Plaintiff's constitutional rights in that the Defendants, among other things,:

- a) physically assaulted, mercilessly beat and detained Plaintiff when it was clear to any reasonable detective that there was no probable cause or reasonable suspicion for detainment and seizure;
- b) assaulted Plaintiff and took him into custody when there was absolutely no trustworthy or fair probability that he had committed a crime;
- c) conspired in callous disregard for the safety of the Plaintiff to cover up the assault by fabricating a story that Plaintiff assaulted Detective Piers and

thereby deprived Plaintiff of his constitutional rights, including access to the courts;

- d) violated Plaintiffs substantive due process and other constitutional rights;
- e) intentionally veiling and failing to report the incident in its entirety;
- f) intentionally and recklessly exposing Plaintiff to a state created danger;
- g) intentionally and recklessly failing to memorialize and/or to provide truthful and accurate information on incident reports in accordance with the State laws and administrative regulations;
- h) stopping and/or assaulting Plaintiff without a reasonable suspicion that he has or was about to commit a crime;
- i) exhibiting a willful disregard for the safety of Plaintiff by use of excessive force;
- j) using potentially deadly force of Plaintiff in the nature of a blow to his head;
- k) participated in the violent beating of an innocent bystander;
- l) conspired to conceal the happening of the assault from Plaintiff and from the proper authorities;
- m) used excessive and unnecessary force to apprehend Plaintiff;
- n) failed to complete and/or provide truthful and accurate information on use of force forms or an arrest report;
- o) failed to notify Internal Affairs of the assault and unlawful detention;
- p) destroyed and/or failed to preserve evidence; and
- q) lied about how Plaintiff sustained his injuries.

43. As a direct result of Defendants' actions and/or failure to act, Plaintiff has suffered injuries which include, but are not limited to, the following: injuries to the head, neck, back, multiple contusions; fear and anxiety; anxiety attacks; sleeplessness; severe emotional distress; emotional pain and suffering; as well as other permanent physical and psychological disorders that will continue to have an adverse impact on him for the foreseeable future including other ailments that Plaintiff's treating health care providers may diagnose.

44. As a direct result of Defendants' actions and/or failure to act, Plaintiff has been or will be required to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses and may be required to continue to expend such sums or incur such expenditures for an indefinite time in the future.

45. As a direct result of Defendants' actions and/or failure to act, Plaintiff has or may suffer a severe loss of earnings and impairment of earning power and capacity.

46. As a direct result of Defendants' actions and/or failure to act, Plaintiff has suffered medically determinable physical and/or mental impairment which prevents the Plaintiff from performing all or substantially all of the material acts and duties which constituted the Plaintiff's usual and customary activities prior to the accident.

47. As a direct result of Defendants' actions and/or failure to act, Plaintiff has or may hereafter incur other financial expenses which do or may exceed amounts which Plaintiff may otherwise be entitled to recover.

48. As a direct result of Defendants' actions and/or failure to act, Plaintiff has suffered severe physical pain, mental anguish and humiliation, and may continue to suffer from

same for an indefinite time in the future.

49. As a direct result of Defendants' actions and/or failure to act, Plaintiff has suffered severe fear, anxiety, intentionally and negligently inflicted emotional distress, depression and feelings of helplessness.

WHEREFORE, in consideration of the foregoing, Plaintiff, Freddie Robinson, demands judgment in his favor and against Defendants, jointly and severally, for an amount in excess of seventy-five thousand dollars (\$75,000.00), plus punitive damages, the statutory rate of interest, attorneys' fees, costs and related expenses, and such other just and equitable relief as this Honorable Court deems proper.

COUNT II
NEGLIGENCE
PLAINTIFF, FREDDIE ROBINSON V. DEFENDANT, THE CITY OF
PHILADELPHIA,
PHILADELPHIA POLICE DEPARTMENT

50. Plaintiff repeats and realleges the preceding paragraphs as though fully set forth herein.

51. The Defendant Detective Piers engaged in willful misconduct in that he desired to bring about the result that followed or at least were aware that it was substantially certain to follow, so that such desire can be implied.

52. Pursuant to 42 Pa.C.S. § 8550, the willful misconduct of the Defendant Police Detectives serves to waive any immunity or limitation on damages that the municipal defendants would have otherwise enjoyed under the Political Subdivision Tort Claims Act.

53. The negligence, carelessness and recklessness of Defendant include, *inter alia*, the

following:

- a) failing to properly train its detectives on the appropriate use of force;
- b) failure to properly train its detectives on the need to establish probable cause prior to arrest and reasonable suspicion for detainment;
- c) failure to properly supervise the detective that assaulted and detained Plaintiff;
- d) failure to draft, implement and enforce policies that would serve to eliminate the use of excessive force, unlawful seizures and false imprisonment;
- e) failure to draft, implement and enforce policies that would serve to prevent the falsification of reports by its detectives;
- f) failure to comply with police standards;
- g) failure to adequately train its workforce; and
- h) is otherwise negligent in law and in fact.

54. As a direct result of Defendants' actions and/or failure to act, Plaintiff has suffered injuries which include, but are not limited to, the following: injuries to the head, neck, back, multiple contusions; fear and anxiety; anxiety attacks; sleeplessness; severe emotional distress; emotional pain and suffering; as well as other permanent physical and psychological disorders that will continue to have an adverse impact on him for the foreseeable future including other ailments that Plaintiff's treating health care providers may diagnose.

55. As a direct result of Defendants' actions and/or failure to act, Plaintiff has been or will be required to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses and may be required to continue to expend such sums or

incur such expenditures for an indefinite time in the future.

56. As a direct result of Defendants' actions and/or failure to act, Plaintiff has or may suffer a severe loss of earnings and impairment of earning power and capacity.

57. As a direct result of Defendants' actions and/or failure to act, Plaintiff has suffered medically determinable physical and/or mental impairment which prevents the Plaintiff from performing all or substantially all of the material acts and duties which constituted the Plaintiff's usual and customary activities prior to the accident.

58. As a direct result of Defendants' actions and/or failure to act, Plaintiff has or may hereafter incur other financial expenses which do or may exceed amounts which Plaintiff may otherwise be entitled to recover.

59. As a direct result of Defendants' actions and/or failure to act, Plaintiff has suffered severe physical pain, mental anguish and humiliation, and may continue to suffer from same for an indefinite time in the future.

60. As a direct result of Defendants' actions and/or failure to act, Plaintiff has suffered severe fear, anxiety, intentionally and negligently inflicted emotional distress, depression and feelings of helplessness.

WHEREFORE, in consideration of the foregoing, Plaintiff, Freddie Robinson, demands judgment in his favor and against Defendants, jointly and severally, for an amount in excess of seventy-five thousand dollars (\$75,000.00), plus punitive damages, the statutory rate of interest, attorneys' fees, costs and related expenses, and such other just and equitable relief as this Honorable Court deems proper.

COUNT III
ASSAULT, BATTERY AND FALSE IMPRISONMENT
PLAINTIFF, FREDDIE ROBISNSON V. DEFENDANT DETECTIVE PIERS

61. Plaintiff repeats and realleges the preceding paragraphs as though fully set forth herein.

62. The Defendant Detective Piers engaged in intentional and willful misconduct in that they desired to bring about the result that followed or at least were aware that it was substantially certain to follow, so that such desire can be implied.

63. Pursuant to 42 Pa.C.S. § 8550, the intentional and willful misconduct of the Defendant Detective Piers serves to waive any immunity or limitation on damages that the municipal defendants would have otherwise enjoyed under the Political Subdivision Tort Claims Act.

64. Plaintiff hereby alleges that the aforementioned intentional and willful actions by the Defendant Detective Piers constituted the torts of assault and battery.

65. Plaintiff hereby alleges that the aforementioned actions by the Defendant Detective Piers and any periods of confinement directly resulting from the improper detainment in question constitute the false imprisonment of Plaintiff in that Defendant Detective Piers intended to confine the Plaintiff within boundaries fixed by said Defendants; Defendant Detective Piers' acts directly or indirectly resulted in such confinement; and Plaintiff was conscious of the confinement and was harmed thereby.

66. As a direct result of Defendant's actions and/or failure to act, Plaintiff has

suffered injuries which include, but are not limited to, the following: injuries to the head, neck, back, multiple contusions; fear and anxiety; anxiety attacks; sleeplessness; severe emotional distress; emotional pain and suffering; as well as other permanent physical and psychological disorders that will continue to have an adverse impact on him for the foreseeable future including other ailments that Plaintiff's treating health care providers may diagnose.

67. As a direct result of Defendant's actions and/or failure to act, Plaintiff has been or will be required to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses and may be required to continue to expend such sums or incur such expenditures for an indefinite time in the future.

68. As a direct result of Defendant's actions and/or failure to act, Plaintiff has or may suffer a severe loss of earnings and impairment of earning power and capacity.

69. As a direct result of Defendant's actions and/or failure to act, Plaintiff has suffered medically determinable physical and/or mental impairment which prevents the Plaintiff from performing all or substantially all of the material acts and duties which constituted the Plaintiff's usual and customary activities prior to the accident.

70. As a direct result of Defendant's actions and/or failure to act, Plaintiff has or may hereafter incur other financial expenses which do or may exceed amounts which Plaintiff may otherwise be entitled to recover.

71. As a direct result of Defendants' actions and/or failure to act, Plaintiff has suffered severe physical pain, mental anguish and humiliation, and may continue to suffer from same for an indefinite time in the future.

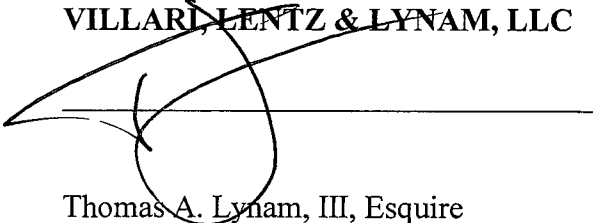
72. As a direct result of Defendant's actions and/or failure to act, Plaintiff has suffered severe fear, anxiety, intentionally and negligently inflicted emotional distress, depression and feelings of helplessness.

WHEREFORE, in consideration of the foregoing, Plaintiff, Freddie Robinson, demands judgment in his favor and against Defendants, jointly and severally, for an amount in excess of seventy-five thousand dollars (\$75,000.00), plus punitive damages, the statutory rate of interest, attorneys' fees, costs and related expenses, and such other just and equitable relief as this Honorable Court deems proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to each count and each Defendant.

~~VILLARI, LENTZ & LYNAM, LLC~~



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